

CITY OF NORMAN, OKLAHOMA
CITY COUNCIL PLANNING AND COMMUNITY
DEVELOPMENT COMMITTEE AGENDA

Municipal Building Conference Room
201 West Gray

Friday, July 9, 2010

8:00 A.M.

**CONTINUED DISCUSSION REGARDING THE PROPOSED
GREENBELT ORDINANCE AND THE DEFINITION OF OPEN
SPACE.**



Office memorandum

DATE: July 1, 2010

TO: Planning and Community Development Committee Members

THROUGH: Jeff H. Bryant, City Attorney

FROM: Kathryn L. Walker, Assistant City Attorney II

RE: Draft Greenbelt Ordinance

Background

The Planning and Community Development Committee (the "Committee") has considered proposed amendments to the Greenbelt Ordinance developed by the Greenbelt Commission during several meetings over the last few months, most recently on June 11, 2010. Based on Committee and Commission feedback at their June meetings, Staff has made some changes to the ordinance and also considered a suggestion for code placement of the ordinance. These items are discussed below.

Discussion

A notable change to the draft ordinance based on the June Committee meeting is found in Section 4-2023(1). Concerns were expressed that the proposed ordinance changes would result in requiring applicants to dedicate private property for public access and use. Language has been added that explicitly states that nothing in the ordinance shall require such dedication. After the recent Greenbelt Commission meeting, some minor changes were also made in the ordinance. These were not substantive in nature but are noted in the attached document.

Staff has continued to discuss the appropriate code placement for the proposed changes to the ordinance. It is currently written to include changes and additions to existing language in Chapter 4 of the Norman Code. Concerns have been raised that this placement would not provide notice of its requirements to the development community. The changes include a requirement for submittal of a Greenbelt Enhancement Statement (GES) to the Greenbelt Commission for all applications for Land Use Plan amendments, zoning changes, rural certificates of survey and preliminary plats. The two primary sections referred to by developers are the subdivision regulations (Ch. 19 of the Code) and the Zoning Ordinance (Ch. 22 of the Code). The administration of the Subdivision Regulations traditionally falls under the auspice of the Public Works Department while the administration of the Zoning Ordinance falls under the auspice of the Planning and Community Development Department.

The proposed new sections of the Greenbelt Ordinance could be placed in the zoning ordinance. The downside to this approach is the inconsistency of the definitions in the Greenbelt ordinance as compared with other definitions in City

code. As noted in previous meetings, this is particularly the case with the definition of “open space”. Staff would also need to ensure that the added definitions did not inadvertently affect the meaning attributable to other zoning provisions. Furthermore, we would be mixing policy statements with actual regulations, which could cause some confusion. Also, placing the new sections in only one of these chapters of our code will inevitably result in the same issue raised with their placement in Chapter 4. For example, someone looking to re-zone his or her property would be unlikely to look in the subdivision regulations for his or her requirements just as someone looking to subdivide their property within their existing zoning designation would be unlikely to look at the zoning regulations.

If the Committee desires to place some portion of the draft ordinance in the development regulations, it would be Staff’s recommendation that a provision be included in Ch. 19 and Ch. 22 referencing the requirement for submittal of a Greenbelt Enhancement Statement. This section would ideally recognize the requirement and refer all applicants back to Chapter 4 for further details. The draft ordinance, as it currently stands, would remain the same and would be placed in Chapter 4.

Staff will be available at the PCDC meeting on July 9, 2010 to discuss these proposals and answer any questions you may have.

Attachments: Draft Proposed Changes to the Greenbelt Ordinance

Reviewed by: Susan F. Connors, Director of Planning and Community Development

ARTICLE XXI GREENBELT COMMISSION

Sec. 4-2021. Purpose.

It is the purpose of this article to promote and protect the public health, safety and general welfare by creating a mechanism for providing a Greenbelt System, which will include preserved open spaces, protected natural areas and greenways/trails in a system of land parcels that together will work to help maintain and preserve the beauty and livability of the City.

Sec. 4-2022. Authority.

There is hereby created and established the Greenbelt Commission for the City of Norman. The Norman Greenbelt Commission shall consist of a total of nine (9) members, one (1) from each ward and one (1) at-large. The members shall be appointed by the Mayor, with approval of the City Council, based upon their interests or expertise regarding open-space preservation. All members shall serve without compensation and may be removed by the City Council as provided in the Code of Ordinances. City staff and administrative guidance shall be provided to the Greenbelt Commission by the Department of Planning and Community Development, with assistance from the City Forester and other Departments, as necessary. The implementation of the activities associated with this article shall be dependent upon the City Council's ability to provide funds on an annualized basis.

- (1) *Term of office.* The term of the nine (9) persons to be appointed by the Mayor shall be three (3) years, except that the term of three (3) of the members appointed to the first board shall be for only one (1) year and the term of three (3) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Mayor with approval by the City Council for the unexpired portion of the term.
- (2) *Quorum and operation.*
 - (a) *Quorum.* At any meeting of the Greenbelt Commission, a quorum shall consist of five (5) of the appointed members. No action shall be taken in the absence of a quorum. Five (5) affirmative votes shall be required to pass any measure.
 - (b) *Meeting.* The Greenbelt Commission shall meet ~~at least once a month, as~~ required in the furtherance of its duties set forth herein.
 - (c) *Commission officer.* The Greenbelt Commission shall elect a chairperson from its members and shall create and fill such other offices as deemed necessary. The term of the Chairperson shall be one (1) year with eligibility for reelection for no more than two (2) consecutive terms.

Sec. 4-2023. Duties and powers of the Greenbelt Commission.

The Greenbelt Commission shall advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the open spaces, greenways and trail way systems in the City of Norman, and pursuant thereto:

- (1) Propose an ordinance ~~establishing~~ defining the Greenbelt System of open spaces, greenways and trail systems, including, without limitation, the contents of the Greenbelt Enhancement Statement and the duties and responsibilities for submission of such Greenbelt Enhancement Statements, in accordance with the recommendations of the Greenbelt Task Force. Upon the adoption of an ordinance ~~establishing~~ defining a Greenbelt System and the requirement for a Greenbelt Enhancement Statement, all applications for a Land Use Plan amendment, zoning change, a Norman Rural Certificate of Survey or preliminary platting ~~or any subdivision~~ of land in the City shall include a Greenbelt Enhancement Statement that articulates how the goals and objectives of Norman's Greenbelt System plan are met by the proposed development; provided, however, that nothing herein shall require dedication of private property for public access.^[klw1]
- (2) Propose policy guidelines to determine the suitability of parcels for the Greenbelt System;
- (3) Identify possible parcels for preservation and/or acquisition and incorporation into the Greenbelt System;
- (4) Identify possible outside funding sources and matching funds for acquisition of development rights and preservation and/or acquisitions of parcels for the Greenbelt System.
- (5) Make recommendations to the Norman City Council regarding policies and other related matters;
- (6) Provide advocacy for the Greenbelt System in the city's planning process by reviewing Greenbelt Enhancement Statements and advising and making recommendations to the City Council thereon;
- (7) Solicit public opinion in planning for the Greenbelt System and facilitate citizen participation in the planning process so that the public's interest in the Greenbelt System is expressed;
- (8) Develop policies regarding security and safety in the Greenbelt System;
- (9) Develop policies and guidelines for use of the land and easements within the Greenbelt System;

- (10) Provide copies of the minutes of its meetings to the office of the City Clerk within ten (10) days from the date of their approval; and
- (11) Provide an annual report of the Commission's acts and affairs.

Sec. 4-2023A. Definitions. The plain and ordinary meaning shall be applied to the terms contained herein; however, as used in this chapter, unless the context otherwise requires, the following words or phrases have the meanings listed:

- a) Bikeway: a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.
- b) Cluster Development: as defined by the City of Norman Code in Section 19-210, as may be amended from time to time.
- c) Conservation: the supervision, management, and maintenance of natural resources; the protection, improvement, and use of natural resources in a way that maximizes water quality and storm water management, among other natural benefits.
- d) Conservation Buffer: areas of vegetation placed in or left in the landscape to influence beneficially ecological processes. Benefits include the following: the protection of air and water quality, productive soil, and natural areas; the enhancement of biodiversity, property values, and recreational opportunities; and the reduction of flood danger and noise pollution.
- e) Conservation Easement: a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.
- f) Floodplain: as defined by the City of Norman Code in Section 22:429.1.2 as may be amended from time to time.
- g) Flowage easement: an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1064.5 sea level datum.
- h) Greenbelt Enhancement Statements (GES): a statement in a form set by the Greenbelt Commission to be included with all applications for a Land Use Plan amendment, change in zoning, a Norman Rural Certificate of Survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the goals and objectives of The Greenbelt System are met by the proposed development.

- i) The Greenbelt System: the following spaces, regardless of whether they are open to the public:
 - 1) A system of trails (both on and off road) intended to connect parks, open spaces, schools, retail, employment, and residential areas.
 - 2) Areas of land within the City Limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Norman 2025 Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) “take-line” and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as open space in the future
- j) Greenway:
 - 1) A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right of way, a channel, a scenic road or other route; and/or
 - 2) A trail; and/or
 - 3) An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.
- k) Impervious Surface: one that does not permit penetration or passage of water, such as a roof or paved street or parking area.
- l) Open Space: As used in this ordinance, an area of undeveloped land, including but not limited to land that is kept in or returned to its natural state to protect or preserve wildlife habitat, to protect, preserve or enhance wetlands, or to provide, preserve, or support view, vista or wildlife corridors; agricultural uses and natural features located on a site, such as, meadows, forested areas, steep slopes, floodplains, hazard areas, unique geological features, cultivated lands, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical and cultural resources.
- m) Riparian Buffers: the area between land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.
- n) Structure: as defined by the City of Norman Code in Section 22:450 of the Zoning Ordinance, as may be amended from time to time.
- o) Take Line: exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.
- p) Trail: any natural or landscaped course open to pedestrian or bicycle passage, including but not limited to sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use.
Types of trails include:
 - 1) Community Wide (Regional or Arterial) Trails: trails between 10’ and 12’ in width that provide access from one part of the city to another.

- 2) Neighborhood Trails: trails between 6' and 10' in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.
- 3) Natural Trails: trails at least 8'-10' in width composed of compacted earth.
- 4) Greenway Corridor Natural Trails: natural corridors that exist along some of the levee corridors of the City.
- 5) Parkway Trails: trails between 6' and 8' in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.
- 6) Sidewalk Trails: sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.
- 7) Specialized Trails: water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.

Sec. 4-2024. Expenditure of city funds, compensation, reimbursement of expenses.

- (a) The Greenbelt Commission shall neither authorize nor incur the expenditure of any City funds for any purpose except as may be authorized and appropriated therefore by the City Council.
- (b) Members of the Greenbelt Commission are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred in performance of their duty as Commission members.

Sec. 4-2025. Review by the City Council.

The City Council shall have the right to review all acts and decisions of the Greenbelt Commission.

Sec. 4-2026. Specific Principles, Purposes and Goals of the Greenbelt System. A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City of Norman.

(a) Proposed additions to the Greenbelt System should be guided by the following principles:

1. The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman.
2. The Greenbelt System should preserve valuable open space, natural habitat and key areas with existing vegetation.
3. Trail segments should be designed so that they convey the physical and historical character of the City of Norman and relate to the neighborhoods through which the trail corridors pass.
4. Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of Norman.
5. Trails should promote smooth walkable corridors that are open and visible. ~~at all times during the day.~~ [klw2]

6. The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
7. The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.

~~(b) Greenbelts should be used to protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas.~~ ^{(4)(w.3)}

(b) The use of lot clustering should be encouraged in areas not served with sanitary sewers as a means to develop the greenbelt system.

(c) The greenbelt system should be used to link together existing recreation areas.

(d) Multi-purpose greenbelt corridors should be created that:

1. Create a unique greenway character for Norman;
2. Protect the environmentally sensitive areas of the City and serves as a wildlife habitat;
3. Serve as a stormwater management resource for urban run-off and regional detention needs;
4. Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
5. Preserve agriculturally significant lands; and
6. Provide suitable locations for sanitary sewer easements and facilities.

(e) Greenbelts should be used to provide open spaces areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.

(f) Continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.

Sec. 4-2027. Greenbelt Enhancement Statements.

- (a) Submission. All applications for a Land Use Plan amendment, change in zoning, a Norman Rural Certificate of Survey or preliminary platting of land in the City shall include a Greenbelt Enhancement Statement on a form designed by the Greenbelt Commission and provided to the applicant by the City Planning and Community Development Department.

(b) Content. Greenbelt Enhancement Statements shall articulate how the principles, purposes and goals of this ordinance are met by the proposed development and its amenities. Applicants shall also provide supporting drawings, illustrations, etc. where appropriate.

(c) Review.

1. Staff Review: The Planning Director or his or her designee shall perform an initial review of the Greenbelt Enhancement Statement. If the application indicates that an opportunity for greenbelt development does not exist, or the details of the application support such a finding, then the Planning Director or his or her designee may issue a finding of No Greenbelt Opportunity. Such a finding shall be based on factors unique to the subject parcel, such as when the application involves redevelopment of an already fully developed site, rezoning of property that does not involve new construction, or the existing plat requirements are such that development options are restricted.

2. Initial Review by Greenbelt Commission:

a. Findings of No Greenbelt Opportunity. If such a finding is made, the application will be considered by the Greenbelt Commission at its next scheduled meeting only for the purpose of affirming or disaffirming the staff determination of No Greenbelt Opportunity. Should the Commission affirm such a finding, the application will not be formally considered by the Greenbelt Commission and shall instead move forward for Planning Commission consideration. Should the Commission disagree with Staff's conclusion, the application shall be considered by the Commission during a regularly scheduled meeting prior to consideration of the application by the Planning Commission as set forth in subsection 3 below.

b. Other Applications. All other applications for which a Greenbelt Enhancement ~~Form~~ Statement is completed shall be considered by the Greenbelt Commission during an initial review that shall occur after application is made for a Pre-Development Meeting but prior to when application is made for Planning Commission consideration. The applicant will not be required to attend these meetings but will receive any comments about the application from the Greenbelt Commission. The comments from the Commission's initial review shall be forwarded to the Planning Commission and/or City Council with the application.

3. Official Review by Greenbelt Commission. Should it be determined that a greenbelt opportunity exists for a particular application and upon application for Planning Commission consideration, the Greenbelt Enhancement Statement shall be reviewed by the Greenbelt Commission at one of its regularly scheduled meetings upon due notice of its consideration to the applicant. Comments about applications shall be in writing and delivered to the applicant with the Planning

Commission packet. Those comments shall also be provided to the Planning Commission and to the City Council upon each respective body's consideration of the application. The comments from the Greenbelt Commission will reflect how the proposed development does or does not meet the goals of the Greenbelt system through reference to specific principles, purposes and goals set forth herein.

Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements. In performing its duties, the Greenbelt Commission shall take into account the considerations listed below. Not all considerations will be applicable or feasible for each application.

- a. Portions of the Greenbelt System are accessible to the general public.
- b. Greenways are established and provide connections to other existing and future components of the Greenbelt System.
- c. Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where approved by the easement grantor and grantee.
- d. Greenways connect neighborhoods to each other and to industrial and commercial areas.
- e. The Norman 2025 Land Use and Transportation Plan (pg. 12) goal of providing alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking is addressed.
- f. Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- g. Rural ~~d~~Developments between urbanized Norman and Lake Thunderbird have provided non-motorized access to the lake area.
- h. Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees, where appropriate.
- i. Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
- j. Permeable ground surfaces have been preserved to the extent possible.
- k. Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.
- l. Fences abutting components of the Greenbelt System, and particularly those abutting open spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.
- m. Water retention and detention storage facilities are designed and built with bioengineering materials and principles.

- n. Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.
- o. All storm water management considers the potential for trail and green space preservation, enhancement and/or creation.
- p. The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
- q. The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.
- r. To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- s. Riparian buffers are incorporated into the Greenbelt System.
- t. The commercial developments have provided for pedestrian access.
- u. Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.
- v. Whether eCluster development has been utilized in areas not served with sanitary sewers as a means to develop the Greenbelt System.
- w. Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

Sec. 4-2029. Policy for Acquiring Greenways, Trails, and other Open Space.
Easements accepted, purchased, or otherwise acquired by the City for the purposes of expanding or enhancing the Greenbelt System shall be acquired in accordance with the guidelines and policies contained herein and in the City of Norman Subdivision Regulations as may be amended from time to time.



office memorandum

DATE: July 2, 2010

TO: Norman City Council Planning and Community Development Committee

FROM: Patrick Copeland, Manager, Development Services Division 

SUBJECT: Discussion of Definitions of Open Space and Applicability to the Greenbelt, Zoning and Subdivision Ordinances for July 9th Meeting

Background. Over the past few months, the Planning and Community Development Committee (PCDC) has reviewed and participated in the editing of a proposed amendment to the Greenbelt Ordinance. Those edits are reflected in a draft amended Greenbelt Ordinance sent under separate cover by Kathryn Walker, along with the draft Greenbelt Enhancement Statement.

A remaining area still needing clarification deals with the definition of open space, as written in the current draft amended Greenbelt Ordinance, and how that definition relates to other areas within the City of Norman codes, specifically the zoning and subdivision regulations.

Discussion. At the two previous PCDC meetings, staff presented a number of examples of possible definitions for open space as used by other jurisdictions around the country. That document, which was previously provided, is attached as "Exhibit A: Approaches to Open Space". Also attached is another copy of the previously provided matrix of where the term open space is used in the existing zoning and subdivision regulations.

From review and comments received to date, what staff heard at the last committee meeting was a request to present a recommended definition for open space that would be suitable for use throughout the city ordinances. Through review of all of the above sources and discussion with the Committee, staff understood the following to be indicative of what seems to be our common understanding of the term "Open Space".

Open Space land depends in part on its surroundings, but will usually be defined as one of the following:

- (1) Any land area zoned for open space by a comprehensive land use plan adopted by a city or county legislative authority; or
- (2) Any land determined to be open space on an approved site development plan; or
- (2) Any land area in which the preservation in its present use would:

- Conserve and enhance natural or scenic resources
- Protect streams or water supply
- Promote conservation of soils, wetlands, beaches or tidal marshes
- Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space
- Enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas
- Preserve visual quality along highway, road, and street corridor or scenic vistas; or
- Retain in its natural state tracts of land not less than one acre situated in an urban area and open public use on such conditions as may be reasonably required by the granting authority.

In addition to providing guidance for development of the definition above, the Committee also requested that staff research a select group of comparable communities for additional information relative to defining “open space” for information as to how those communities use the term. The following text is what we found.

The community websites searched included Ann Arbor, Austin, Boulder, Charlotte, Eugene, Portland, and Tulsa. Although all of the communities had programs that preserved several types of spaces in undeveloped forms, those that seem most relevant to helping define open space are represented as follow:

- Ann Arbor, Michigan – The term Open Space is used extensively throughout the Ann Arbor codes, most notably in the “Open Space and Parkland Preservation Ordinance.” It is also used in “Planned Projects” and in their agricultural use designations. The Ann Arbor code definition of “Open Space Character” or “Open Space Use” is “substantially undeveloped land devoted to (a) the maintenance or enhancement of natural processes (e.g. water quality, plant and wildlife habitat, groundwater recharge), (b) scenic enjoyment of the public or (c) otherwise satisfying the standards of section 5:51 of the Code”. Section 5:51 is part of the zoning regulations and has great numerous categories regarding preservation of “Natural feature open space”. Many references within these ordinances identify wildlife habitat, farmland, natural and scenic places.
- Boulder, Colorado – One of the city departments in Boulder is called the “Open Space and Mountain Parks Department”. Boulder has had a dedicated funding source for this department since 1967. The director of this department oversees all open space and real estate. Section 176 states that those funds shall be used only to acquire, maintain, preserve and retain open space lands for the following purposes:

1. Preservation or restoration of natural areas characterized by or including terrain, geological formations, flora, or fauna that are unusual, spectacular, historically important, scientifically valuable, or unique, or that represent outstanding or rare examples of native species;
 2. Preservation of water resources in their natural or traditional state, scenic areas or vista, wildlife habitats, or fragile ecosystems;
 3. Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing;
 4. Preservation of agricultural uses and lands suitable for agricultural production;
 5. Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth;
 6. Utilization of non-urban land for spatial definition of urban areas;
 7. Utilization of land to prevent the encroachment on floodplains; and
 8. Preservation of land for its aesthetic or passive recreational value and its contribution to the quality of life of the community.
- Eugene, Oregon – A division of the Parks Department is “Parks and Open Space Planning”. This community’s Parks and Open Space Planning program is very broad, but includes acquiring new lands for “neighborhood and community parks, natural areas, wetlands and open waterways and ridgeline open space. The emphasis seems to be maintenance and improvement of the quality of life for individual, community, environmental and economic benefits.
 - Portland, Oregon – The Parks and Recreation bureau is charged with developing plans for Parks and Facilities, Natural Areas, and Trails. These Natural Area Plans cover twelve individual areas and include almost 100 separate inventories of vegetation and riparian conditions.
 - Charlotte, North Carolina – Although the programs in this area are not as extensive as those above, the community does have two relevant definitions.
 1. Common Open Space – A lot or parcel of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.
 2. Open Space – An area of land or water, which is open and unobstructed including areas maintained in natural or undisturbed character or areas improved for active or passive recreation. “Open Space” shall not include water below the mean high water line located adjacent to Catawba River and its impoundments, or areas, covered with buildings, structures, streets or off-street parking areas, but shall include landscaping associated with such areas.

- Austin, Texas and Tulsa, Oklahoma do not so clearly delineate open space. However, both communities have significant storm water management programs that include preservation of natural spaces for flood prevention, water quality and quality of life reasons. Tulsa is in the second year of working with the Land Legacy, a state wide land trust, to secure conservation easements along Spavinaw Creek due to impairments to this source of Tulsa drinking water.

Finally, staff indicated that they would identify, from the matrix, all of the places in the existing ordinances where new terminology is needed to replace the current use of the term “open space”. That project continues and staff should have information to present at the July 9th meeting.

Review and approved by:

Steve Lewis, City Manager


Susan F. Connors, Director of Planning and Community Development 

Exhibit A
APPROACHES TO OPEN SPACE

Current Definitions of Open Space in Norman

Open Space Definition – Attached to this document is a spreadsheet that identifies all of the places where the term “Open Space” is used in both the Zoning Ordinance and Subdivision Regulations. The term is used over eighty times in various places in the Norman Code. Those multiple uses of the term were focused in just a few general categories, including:

- As one of the basic components of planning the community;
- Requirements in all plats and PUD's;
- Special Uses in eight different zoning categories for “off street parking lots to be used as open space” for vehicle parking;
- Preservation/reservation in some districts for parks and recreational uses; and
- A definition and parts of several definitions that commingle parks, playgrounds, and true open spaces with parking spaces covered and otherwise.

The existing definitions in the Zoning ordinance which define Open Space or include those words are as follows:

- (89) OPEN SPACE (For determining livability space ratio, open space ratio and recreation space ratio). *Total horizontal area of all uncovered open space plus one-half (1/2) the total horizontal area of all eligible covered open space, excluding eaves of buildings.
- (90) OPEN SPACE, BENEFICIAL. Any public park, public playground, or other similar public open space which abuts a lot proposed for residential development and which is beneficial to the residential use of such lot. In determining the land area of a residential lot, such space may be counted up to one-half (1/2) its depth, but not to exceed fifty (50) feet in the case of a lot in the RM-6 District or sixty (60) feet in the case of a lot in the RO District.
- (92) OPEN SPACE, COVERED. * Exterior space which is open on its sides to weather, but not open above to the sky and weather.
- (94) OPEN SPACE, COVERED, ELIGIBLE. * The horizontal area of any covered open space, to the extent to which it is not more than twice the sum of the clear, open, and unobstructed portions of the open and partially open sides of the covered open space.
- (96) OPEN SPACE, COVERED, INELIGIBLE. * Any covered open space other than eligible covered open space.

(98) OPEN SPACE RATIO.* The minimum area (square feet) of open space which shall be provided for each square foot of residential floor area.

(100) OPEN SPACE, UNCOVERED.* Land area minus building area plus usable roof area.

** Minimum Property Standards for Multifamily Housing, Federal Housing Administration, November, 1963, shall be used as a guide to the interpretation of this term. (Appendix B) (Where the requirements in the above definition differ from those set forth in the Minimum Property Standards, the above definition shall apply.)*

Other Approaches to Open Space

Staff researched current planning literature for a definition of open space that could be applied consistently throughout Norman's regulations. A sampling of more modern definitions from current literature would suggest definitions for Open Space more along the lines of the following:

- Open Space (version in current draft Greenbelt Ordinance): As used in this ordinance, an area of undeveloped land, including but not limited to land that is kept in or returned to its natural state to protect or preserve wildlife habitat, to protect, preserve or enhance wetlands, or to provide, preserve, or support view, vista or wildlife corridors; agricultural uses and natural features located on a site, such as, meadows, forested areas, steep slopes, floodplains, hazard areas, unique geological features, cultivated lands, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical and cultural resources.
- Open Space, or green space, can be thought of as a mix of traditional parks and reserves, hiking, or biking corridors, scenic vistas and other areas that provide for informal recreation and natural resource protection.
- Open Space/Greenspaces are "places" – areas of land with mainly unsealed surfaces within and around the city – these "places" carry human activity as well as plants, wildlife and water and their presence influences quality of life, as well as local air and water quality.
- Open Space is a parcel of land in a predominantly open and undeveloped condition that is suitable for any of the following: Natural areas; Wildlife and native plant habitat; Important wetlands or watershed lands; Stream corridors; Passive, low-impact activities; Little or no land disturbance; and/or Trails for non-motorized activities.

- Open Space is land that is not intensively developed for residential, commercial, industrial or institutional use. It serves many purposes, whether it is publicly or privately owned. It includes agricultural and forest land, undeveloped shorelines, undeveloped scenic lands, public parks and preserves. It also includes water bodies such as lakes and bays. What is defined as open space depends in part on its surroundings. A vacant lot, community garden or small marsh can be open space in a big city. A narrow corridor or pathway for walking or bicycling is open space even though it is surrounded by developed areas. Historic and archeological sites are often associated with significant open spaces and are a part of our common heritage.
- Open Space land is defined as either:
 - (1) Any land area zoned for open space by a comprehensive land use plan adopted by a city or county legislative authority, or
 - (2) Any land area in which the preservation in its present use would:
 - Conserve and enhance natural or scenic resources
 - Protect streams or water supply
 - Promote conservation of soils, wetlands, beaches or tidal marshes
 - Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations or sanctuaries or other open space
 - Enhance recreation opportunities
 - Preserve historic sites
 - Preserve visual quality along highway, road, and street corridor or scenic vistas; or
 - Retain in its natural state tracts of land not less than one acre situated in an urban area and open public use on such conditions as may be reasonably required by the granting authority.

Exhibit B
“OPEN SPACE” in the Zoning Ordinance and Subdivision Regs
ZONING ORDINANCE

Page	Section		# of repetitions
7	413	Last sentence	
7	414	Title	
10	420		3
11	420	3(e)	7
12			8
13			2
14			1
15		5	3
16		b(7)	1
25	420.3 RE	4(f)	1
29	421.3 R-1-A	4(b)(2)[1]	1
31	421.5 R-2	2(g)	
33	422.1 RM-2	1 & 3(i)	2
35	422.2 RM-4	3(i)	
37	422.3 RM-6	3(i)	
39		4(e)(3)	2
40	422.5 R-3	2(k)	
43	422.7 RO		
44		4(g)(2)	
47	422.9 O-1	3(f)	
50	423.1 CO	3(e)	
51	423.2 C-1	1	
70	428.1 M-1	5(a)	
72	429.1 FH	1(11)	
88		(7)	
96	429.2 PL	1 & 2(a)	
105	429.3 HD	(j) & (k)	
124	429.5 Community Separator	1(c)	
126	431.1 Open Space		3
127		(i)	2
150	431.8	3(b)(4)	
155	432.1		
157	432.3		
159	434.1	(b)(2)	
160		(c)	
175	441	10	
188	450 Definitions	(14) & (22)	
190		(40)	3

Page	Section			# of repetitions
191		(60), (62), (66)		2, 1, 1
194 & 195		Open Space Defns	(copy provided)	
195		(108)		
196		(116)		
198		(142)		

SUBDIVISION REGS

Page	Section			# of repetitions
1	101			1
5	202	A & B		
10	210 Definitions	F		
13		PP		
14	302	1(b) & (c)		
15		2(c)		
21	308	E(i)		
32	401	B, B(1), C		
37	408	Title & text		
55	606	A(1)(b) & (c)		
62	704	D & D(2)		3
63		(3)		4